
By: **Senators Mooney, Astle, Brinkley, Della, Hafer, Harris, Pipkin, and Stoltzfus**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Defense**
3 **Evidence**

4 FOR the purpose of establishing a procedure for processing a citation issued for a
5 certain violation recorded by a traffic control signal monitoring system and for
6 which there is a defense that the vehicle of the person to whom the citation was
7 issued was not being driven at the time of the offense by the person charged;
8 requiring the citation issued to a person for a certain violation recorded by a
9 traffic control signal monitoring system to contain a form to be used by a person
10 claiming a defense that the vehicle of the person issued the citation was not
11 being driven at the time of the offense by the person charged; requiring certain
12 items to be listed on the form; requiring the District Court to dismiss a certain
13 citation on receipt of a form certifying that the person claims as a defense to the
14 charge contained in the citation that the person's vehicle was not being driven
15 by the person; providing that a person whose citation is dismissed under this Act
16 is not required to appear in court concerning the citation; and generally relating
17 to traffic control signal monitoring systems and defense evidence.

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 21-202.1
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Transportation**

26 21-202.1.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "Agency" means:

1 (i) For a traffic control signal operated and maintained at an
2 intersection under the control of the State, the law enforcement agency primarily
3 responsible for traffic control at that intersection; or

4 (ii) For a traffic control signal operated and maintained at an
5 intersection under the control of a political subdivision, a law enforcement agency of
6 the political subdivision that is authorized to issue citations for a violation of the
7 Maryland Vehicle Law or of local traffic laws or regulations.

8 (3) (i) "Owner" means the registered owner of a motor vehicle or a
9 lessee of a motor vehicle under a lease of 6 months or more.

10 (ii) "Owner" does not include a motor vehicle rental or leasing
11 company or a holder of a special registration plate issued under Part III of Title 13,
12 Subtitle 9 of this article.

13 (4) "Recorded images" means images recorded by a traffic control signal
14 monitoring system:

15 (i) On:

- 16 1. Two or more photographs;
- 17 2. Two or more microphotographs;
- 18 3. Two or more electronic images;
- 19 4. Videotape; or
- 20 5. Any other medium; and

21 (ii) Showing the rear of a motor vehicle and, on at least one image
22 or portion of tape, clearly identifying the registration plate number of the motor
23 vehicle.

24 (5) "Traffic control signal monitoring system" means a device with one or
25 more motor vehicle sensors working in conjunction with a traffic control signal to
26 produce recorded images of motor vehicles entering an intersection against a red
27 signal indication.

28 (b) The agency primarily responsible for traffic control at an intersection
29 monitored by a traffic control signal monitoring system shall ensure that the length of
30 time that a traffic control signal displays a yellow light before changing to a red signal
31 indication is set in accordance with regulations adopted by the State Highway
32 Administration consistent with standards or guidelines established by the Federal
33 Highway Administration.

34 (c) This section applies to a violation of § 21-202(h) of this subtitle at an
35 intersection monitored by a traffic control signal monitoring system.

1 (d) (1) Unless the driver of the motor vehicle received a citation from a
2 police officer at the time of the violation, the owner or, in accordance with subsection
3 (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the
4 motor vehicle is recorded by a traffic control signal monitoring system while being
5 operated in violation of § 21-202(h) of this subtitle.

6 (2) A civil penalty under this subsection may not exceed \$100.

7 (3) For purposes of this section, the District Court shall prescribe:

8 (i) A uniform citation form consistent with subsection (e)(1) of this
9 section and § 7-302 of the Courts and Judicial Proceedings Article; and

10 (ii) A civil penalty, which shall be indicated on the citation, to be
11 paid by persons who choose to prepay the civil penalty without appearing in District
12 Court.

13 (e) (1) Subject to the provisions of paragraphs (2) through (4) of this
14 subsection, an agency shall mail to the owner liable under subsection (d) of this
15 section a citation which shall include:

16 (i) The name and address of the registered owner of the vehicle;

17 (ii) The registration number of the motor vehicle involved in the
18 violation;

19 (iii) The violation charged;

20 (iv) The location of the intersection;

21 (v) The date and time of the violation;

22 (vi) A copy of the recorded image;

23 (vii) The amount of the civil penalty imposed and the date by which
24 the civil penalty should be paid;

25 (viii) A signed statement by a technician employed by the agency
26 that, based on inspection of recorded images, the motor vehicle was being operated in
27 violation of § 21-202(h) of this subtitle;

28 (ix) A statement that recorded images are evidence of a violation of
29 § 21-202(h) of this subtitle; and

30 (x) Information advising the person alleged to be liable under this
31 section:

32 1. Of the manner and time in which liability as alleged in the
33 citation may be contested in the District Court; [and]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.